

AFFIDAVIT OF STEPHEN P. DOWD

I, Stephen P. Dowd, being duly sworn, state the following:

1. I have been employed as a Postal Inspector by the United States Postal Inspection Service ("USPIS") for the past 19 years. I have been assigned to narcotics investigations for thirteen years and have participated in numerous narcotics investigations involving the transportation of controlled substances or proceeds/payments through the United States Postal Service ("USPS") during that time. During this time, I have intercepted in excess of 700 Express/Priority Mail parcels which were found to have contained controlled substances or the proceeds from the sales of controlled substances. I have received training by the Drug Enforcement Administration in the investigation of controlled substances. I have received training by the USPIS in the investigation of controlled substances and proceeds/payments for controlled substances being transported through the United States mails.

2. This affidavit is made in support of an application for a search warrant for a USPS Priority Mail package, hereafter the "SUBJECT PACKAGE." The SUBJECT PACKAGE bears tracking number 9114999944313423458615 and weighs approximately eight pounds eight ounces. The SUBJECT PACKAGE is addressed to "Nicol Vasquez, 270 Andover St., Lawrence, MA 01843," and bears a return address of "Maria Lopez, PO Box 4570, Carolina PR 00984." A full description of the package to be searched pursuant to a search warrant is attached hereto as Attachment A, which is incorporated herein by reference. The SUBJECT PACKAGE is currently in the possession of the USPIS, located at 495 Summer Street, Suite 600, Boston, Massachusetts.

3. For the reasons set forth in this affidavit, I submit that probable cause exists to believe that the SUBJECT PACKAGE contains evidence of the following offenses: (a) distribution of controlled substances, in violation of Title 21, United States Code, Section

841(a)(1); and (b) conspiracy to distribute controlled substances, in violation of Title 21, United States Code, Section 846.

4. This affidavit does not contain each and every fact I know about this investigation. This affidavit only sets forth sufficient facts to demonstrate probable cause for a search warrant.

I. GENERAL BACKGROUND CONCERNING THE SHIPMENT OF DRUGS AND DRUG SALE PROCEEDS THROUGH THE UNITED STATES MAILS

5. Based upon my training and experience as a United States Postal Inspector, I know that experience and drug trafficking intelligence information gathered by the USPIS have demonstrated that USPS Priority Express Mail and Priority Mail are frequently used by drug traffickers for shipping drugs and drug proceeds. Use of Priority Express Mail and Priority Mail are favored because of the speed, reliability, free telephone and Internet package tracking service, as well as the perceived minimal chance of detection. Priority Express Mail was originally intended for urgent, business-to-business, correspondence. However, based on USPIS intelligence and my personal experience with numerous prior packages that were found to contain contraband, these types of packages containing contraband are usually sent from one individual to another individual.

6. In an effort to combat the flow of controlled substances through the United States mails, interdiction programs have been established in cities throughout the United States by the USPIS. These cities have been identified as known sources of controlled substances. The USPIS conducted an analysis of prior packages which were found to contain drugs and drug proceeds. The analysis of prior packages that were found to contain drugs or drug proceeds indicated that these packages are usually sent from an individual to an individual. In the cases when Priority Mail and/or Priority Express Mail packages containing drugs or drug proceeds

have displayed a business or company name, it has usually proven to be a fictitious business or company, or, in certain cases, a legitimate company whose name was being used without the knowledge or authorization of that business. Additionally, this analysis has established a series of package characteristics which, when a package is found with a combination of the characteristics described below, have shown high probability that the package will contain a controlled substance or the proceeds of controlled substance sales. These characteristics include the following: (1) package is mailed from or addressed to a narcotic source city; (2) package has a fictitious return/sender address or name; (3) package has address information which is handwritten; (4) the handwritten mailing label on the article does not contain a business account number, thereby indicating that the sender paid cash; (5) package is addressed from an individual to an individual; and (6) package is heavily taped.

7. The USPIS has devoted increasing resources over the past 20 years to investigating and intercepting drugs and drug sale proceeds sent through the United States mail. Initially the USPS Express Mail overnight service was the only class of mail that was examined by Postal Inspectors for drugs or drug sale proceeds. Over the past several years, however, I have noticed, based on my experience, that people who mail drugs and drug sale proceeds have begun to utilize Priority Mail (two to three day delivery) with increasing frequency as a result of the heavy investigative emphasis given to Express Mail. Based on my training and experience and USPIS intelligence, the characteristics in paragraphs six and seven are indicative of packages sent either by Priority Express Mail and Priority Mail that have been found to contain illegal controlled substances and drug proceeds.

II. DESCRIPTION OF THE PACKAGE

8. On the morning of January 25, 2015, I identified the SUBJECT PACKAGE at the

USPS North Reading Processing and Distribution Center located in North Reading, Massachusetts. The SUBJECT PACKAGE is a brown cardboard box bearing tracking number 9114999944313423458615 and measuring approximately ten inches long, ten inches wide, and ten inches thick. The SUBJECT PACKAGE weighs approximately eight pounds eight ounces and bears a handwritten mailing label. The SUBJECT PACKAGE was mailed at the Carolina, Puerto Rico, Post Office 00983 on January 22, 2015. Postage for the SUBJECT PACKAGE was paid for in cash. The SUBJECT PACKAGE was mailed from Puerto Rico which I know, based on my training and experience, is a source area for controlled substances – more specifically, cocaine.

9. Regarding the sender information, I conducted a search of available USPS databases and learned that there was no such address as P.O. Box 4570 in Carolina, Puerto Rico 00984. I further contacted a Postal Inspector in Puerto Rico who confirmed that information. Based on the USPIS analysis described above and my own training and experience, I know that when a package bears a fictitious return address and is mailed from a source area for controlled substances, there is a high probability that the parcel contains controlled substances or the proceeds from the sale of controlled substances.

10. Regarding the addressee information, I conducted an internet query using the online database Clear which is an investigative platform that searches proprietary sources and public records to obtain information on individuals and businesses. I found no record of a “Nicol Vasquez” at 270 Andover Street in Lawrence, Massachusetts; however, I did locate four individuals with the last name of “Vasquez” at that address.

III. CANINE POSITIVE RESPONSE TO PACKAGE

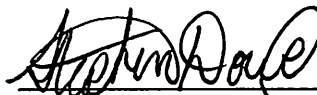
11. On January 25, 2015, I contacted Officer Richard Seibert of the Braintree Police

Department and requested that he and his narcotic trained K-9 "Lucky" review the SUBJECT PARCEL for the scent of controlled substances. I met with Officer Seibert in the garage of the Braintree Police Department approximately two hours after I initially identified the SUBJECT PACKAGE. Officer Seibert has been employed with the Braintree Police Department for almost ten years and has been assigned to the canine unit for the last five years. Officer Seibert advised me that Lucky is a six year old Labrador retriever. Officer Seibert informed me that he uses Lucky in the detection of controlled substances in different situations, including within sealed packages shipped through the U. S. Mail and other courier services. Officer Seibert and Lucky have attended and successfully completed a twelve-week training program with Director Ken Ballinger from the Barnstable County Sheriff's Office. Lucky received a certificate for this training and is certified to detect the presence of narcotic odors, including but not limited to marijuana, hash, cocaine, crack, heroin, ecstasy and methamphetamine. Officer Seibert advised me that this certification is current as of April 2014. Officer Seibert advised that Lucky is a hand-fed food drive dog, meaning that he eats only when he finds the target odor (narcotic odor). As a result of this type of training, Lucky and Officer Seibert are required to train every day for Lucky's meals. Officer Seibert further advised that he and Lucky, per policy, complete sixteen hours of in-service training per month with Director Ballinger. Officer Seibert has advised me that Lucky has been responsible for seizures of packages containing various drugs, including marijuana, cocaine, heroin, suboxone, percocet, klonopin, wellbutrin, and crack cocaine. Over the past three years, I have personally observed Lucky alert to numerous packages found in the U. S. Mail that were later found to contain marijuana, cocaine, methamphetamine and various prescription pills as well as U. S. currency believed to be related to drug trafficking. Officer Seibert advised that Lucky is a well-trained and reliable canine.

12. The SUBJECT PACKAGE was placed in an area of the Braintree Police Department garage known not to have been previously contaminated by a narcotic odor. Officer Seibert had Lucky search this area. Other packages were also placed in the search area as controls. Officer Seibert advised that upon arriving at the SUBJECT PACKAGE, Lucky reacted in a positive manner, indicating the presence of a narcotic odor. No further indications were observed in the search area. Based on my training and experience, I know that a positive alert means that the contents of the package were narcotics or have recently been in close proximity to narcotics.

IV. CONCLUSION

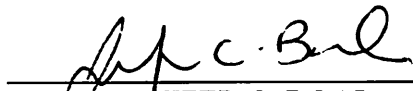
13. Based on these facts described above, I believe that there is probable cause to believe that the SUBJECT PACKAGE described above contains controlled substances, cash, money orders, or other documents relevant to drug trafficking in violation of Title 21, United States Code, Section 841(a)(1), and conspiracy to distribute controlled substances in violation of Title 21, United States Code, Section 846. Accordingly, I respectfully request that this Court issue a search warrant authorizing the search of the SUBJECT PACKAGE for the items described in Attachment B.



STEPHEN P. DOWD

United States Postal Inspector

Subscribed and Sworn to before me
on this 28 day of January 2015



HON. JENNIFER C. BOAL
United States Magistrate Judge



ATTACHMENT A

(Description of Property to be Searched)

SUBJECT PACKAGE: A Priority Mail package bearing tracking number 9114999944313423458615, weighing approximately eight pounds eight ounces, addressed to “Nicol Vasquez, 270 Andover St., Lawrence, MA 01843,” and bearing a return address of “Maria Lopez, PO Box 4570, Carolina, P.R. 00984.” The package is currently in the possession of the United States Postal Inspection Service, located at 495 Summer Street, Suite 600, Boston, Massachusetts.

ATTACHMENT B

Items, documents, records, files, and other information that constitutes evidence, fruits, and/or other instrumentalities of violations of Title 21, United States Code, Sections 841(a)(1) and 846, including narcotics, money, records relating to narcotics and/or money, and/or records relating to the identity of the individual who shipped the package or the intended recipient of the package.